

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ANTHONY MICHAEL D'AMICO,

Plaintiff,

v.

Case No. 8:23-cv-1064-KKM-CPT

MICHELLE SUSKAUER et al.,

Defendants.

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**ORDER**

On May 22, 2023, Anthony D'Amico, proceeding pro se, initiated this action by filing a complaint. The Court struck the complaint as a shotgun pleading and gave Plaintiff until June 9, 2023, to file an amended complaint. See Order (Doc. 4). The Court warned Plaintiff that failure to file an amended complaint by June 9 would result in dismissal, but Plaintiff did not file an amended complaint in that time. *Id.*

A court order dismissing a complaint with leave to amend within a specified time “becomes a final judgment if the deadline to amend expires without plaintiff amending its complaint or seeking an extension of time.” *Auto. Alignment & Body Serv., Inc. v. State Farm Mut. Auto. Ins. Co.*, 953 F.3d 707, 719 (11th Cir. 2020). Upon expiration of the deadline, “the district court loses all its prejudgment powers to grant any more extensions’ of time to amend the complaint.” *Id.* at 720. Thus “the only recourse for a plaintiff” is “to

appeal,” to “move to alter or amend the judgment,” or to “move for relief from the final judgment.” *Id.*

Therefore, this Court dismisses this action without prejudice because it has lost jurisdiction over the case. Accordingly, the action is **DISMISSED without prejudice**. The Clerk is directed to **TERMINATE** any pending motions and deadlines, **ENTER** judgment in favor of Defendants, and **CLOSE** this case.

**ORDERED** in Tampa, Florida, on June 13, 2023.

  
Kathryn Kimball Mizelle  
United States District Judge